

Donald N. David (DD 5222)
Brian A. Bloom (BB 5722)
Jeremy A. Shure (JS 0490)
AKERMAN SENTERFITT LLP
335 Madison Avenue, Suite 2600
New York, New York 10017
Telephone: 212.880.3800
Facsimile: 212.880.8965

Attorneys for Defendants¹

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GREYSTONE CDE, LLC,

Plaintiff,

- against -

SANTE FE POINTE, et al.,

Defendants.

Case No: 07-CIV-8377 (RPP)

NOTICE OF CROSS-MOTION

**TO THE CLERK OF THIS HONORABLE COURT AND TO ALL PARTIES OF
RECORD:**

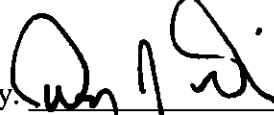
PLEASE TAKE NOTICE that upon the Declaration of Donald N. David, Esq., dated November 8, 2007, with exhibits attached thereto, and the Memorandum of Law submitted herewith, the undersigned will cross-move this Honorable Court, at the Courthouse located at 500 Pearl Street, Courtroom 24(a), New York, New York 10007 at such date and time as may be convenient to the Court, for an Order determining that the putative service of the Amended Complaint herein was ineffective and, therefore, vacating the improper service of process,

¹ Specially appearing for the limited purpose of opposing Plaintiff's motion for default judgment and to cross-move for the related relief of seeking to vacate the improper service of process.

affidavit of service filed by Plaintiff's counsel and the Clerk's Certificate of Default issued therefrom, and for such other relief as the Court deems just and proper under the circumstances.

Dated: New York, New York
November 8, 2007

AKERMAN SENTERFITT LLP

By: 

Donald N. David (DD 5222)
Brian A. Bloom (BB 5722)
Jeremy A. Shure (JS 0490)
335 Madison Avenue
Suite 2600
New York, New York 10017
(212) 880-3800

*Attorneys for Defendants Sante Fe Pointe,
L.P., Sante Fe Pointe Management, LLC,
Rant LLC, and Theotis F. Oliphant,
Specially Appearing for the Limited and
Express Purpose of Opposing Plaintiff's
Motion for Default Judgment and to Cross
Move to Vacate Service*

To:

Clerk of the Court
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Stephen M. Harnik
Harnick Wilker & Finkelstein LLP
645 Fifth Avenue, 7th Floor
New York, NY 10022
*Attorneys for Plaintiff
Greystone CDE LLC*